

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

**In re: EDWARD M GUTTING
ANGELA M HORNSBY-GUTTING**

Case No.: 13-61761-abf-13

Debtors

**MOTION TO DISMISS FOR FAILURE TO COMMENCE MAKING PLAN PAYMENTS OR IN THE
ALTERNATIVE FOR DEFAULT IN PLAN PAYMENTS**

Comes now Richard V. Fink, Chapter 13 Trustee, and moves to dismiss this case and in support thereof states:

The debtor has failed to commence making timely plan payments pursuant to 11 U.S.C. Section 1326(a)(1). If debtor fails to commence making plan payments and/or fails to bring their plan payments substantially current, the case violates 11 U.S.C. Section 1307(c)(1).

Wherefore, the Chapter 13 Trustee moves that the Court enter an Order dismissing the above-captioned case without prejudice.

January 06, 2014

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee
818 Grand Blvd., Suite 800
Kansas City, MO 64106-1901

NOTICE OF MOTION

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), this proceeding will be dismissed by separate Order of the Court.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

DEBTOR(S)

LICATA BANKRUPTCY FIRM PC (427669) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

MAM /Motion - Dismiss - Failure to Commence Plan Payments